IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.4041 of 2006

Shri Dilip Vishnu Lahamge — Petitioner
Vs.
Shri Sinner Vyapari Sahakari
Bank Ltd. & ors. — Respondents

Mr.Shivajirao Masal for petitioner.

CORAM: B.H.MARLAPALLE,J.

July 11, 2006.

P.C.

. Heard Mr.Masal, the learned counsel for the petitioner who suffered an Award passed by the Co-operative Court for the recovery of an amount of Rs.2,38,598/- with interest at the rate 19 per cent from 1/4/2005. This award dated 22/11/2005 was sought to be challenged in an appeal before the Maharashtra State Co-operative Appellate Court but belatedly and, therefore, the petitioner filed Misc. Application No.17 of 2006 for condonation of delay.

. No doubt there was a delay of 38 days in filing the appeal but the learned President of the lower Appellate Court while condoning the delay has directed to deposit an amount of Rs.1,20,000/- which is 50 per cent of the principal amount and not interest.

. This discretionary order passed by the learned President of the lower Appellate Court is an equitable order and calls for no interference in a writ petition under Article 227 of the Constitution.

The petition is rejected summarily.

(B.H.MARLAPALLE,J.)